

1 ELAN S. MIZRAHI, ESQ.
Nevada Bar No. 7450
2 E-mail: esm@jhc-law.com
CHAD L. SCHEXNAYDER, ESQ. (*Pro Hac Vice*)
3 E-mail: cls@jhc-law.com
EDWARD RUBACHA, ESQ. (*Pro Hac Vice*)
4 E-mail: er@jhc-law.com
JOSEPH A. BROPHY, ESQ. (*Pro Hac Vice*)
5 E-mail: jab@jhc-law.com
JENNINGS, HAUG & CUNNINGHAM, L.L.P.
6 2800 North Central Avenue, Suite 1800
Phoenix, Arizona 85004-1049
7 Telephone: 602-234-7800
Facsimile: 602-277-5595
8 Court Documents: docket@jhc-law.com

9 GEORGE E. ROBINSON, ESQ.
Nevada Bar No. 9667
10 **PEZZILLO LLOYD**
6725 Via Austi Parkway, Suite 290
11 Las Vegas, Nevada 89119
Telephone: 702-233-4225
12 Facsimile: 702-233-4252
E-mail: grobinson@pezzillolloyd.com

13 Attorneys for Plaintiff

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 TRAVELERS CASUALTY AND SURETY
17 COMPANY OF AMERICA, a Connecticut
corporation,

18 Plaintiff,

19 vs.

20 WILLIAMS BROTHER, INC., a Nevada
21 corporation; PEEK CONSTRUCTION
COMPANY, a Nevada corporation;
22 MICHAEL WILLIAMS, an individual;
JOSIE WILLIAMS, an individual;
23 ASHLEY WILLIAMS, an individual;
MARIA WILLIAMS, an individual;
24 MARK GUBLER, an individual; DAWNA
GUBLER, an individual; DARIN
25 GUBLER, an individual; and KAREN
GUBLER, an individual; BRENDA
26 COMPTON PEEK, an individual;
MICHAEL L. PEEK, an individual; ECCL
27 HOLDINGS, LLC, a Nevada limited
liability company; BLC NEVADA TRUST
28 DATED APRIL 20, 2006, a Nevada Trust,

Defendants.

Case No.: 2:12-CV-00058-LDG -NJK
PRELIMINARY INJUNCTION

1 WILLIAMS BROTHER, INC., a Nevada
 2 corporation; PEEK CONSTRUCTION
 3 COMPANY, a Nevada corporation,

4 Counterclaimants,

5 vs.

6 TRAVELERS CASUALTY AND SURETY
 7 COMPANY OF AMERICA, a Connecticut
 8 corporation,

Counterdefendant.

9 On July 11, 2013, Plaintiff Travelers Casualty and Surety Company of America
 10 ("Travelers") filed its emergency motion for injunctive relief freezing all assets of the
 11 indemnitor defendants (Document 225). After considering the responses and replies filed
 12 by the parties, all evidence offered and comments of counsel as presented at the hearings
 13 that have been held on the injunctive relief motion, including the final hearing on
 14 September 12, 2013,

15 IT IS HEREBY ORDERED that Peek Construction Company, ECCL Holdings, LLC
 16 and BLC Nevada Trust Dated April 20, 2006 (the "Entity Indemnitors"), and Michael Peek
 17 and Brenda Compton Peek (collectively the "Individual Indemnitors") and other persons
 18 who are in active concert or participation with any of the Entity Indemnitors or the
 19 Individual Indemnitors, which persons include, but are not limited to, H-Town Holdings,
 20 LLC, CP Enterprises, LLC, Bays, LLC, Gibbs Trucking, LLC, Tanner, LLC and CSC
 21 Holdings, LLC (all of whom collectively, along with the Entity Indemnitors and Individual
 22 Indemnitors are referred to herein as the "Enjoined Parties"), are enjoined and restrained,
 23 by themselves and through others, from selling, transferring, disposing of or encumbering
 24 their assets and property, including the assets and property of entities owned or controlled
 25 by them.

26 As to the Individual Indemnitors, expenditures for court-approved living expenses
 27 are permitted, but only upon compliance with the following procedure:

28 a) On or before the 25th day of the month preceding any expenditure, Individual

1 Indemnitors shall serve electronically upon counsel for Travelers Casualty and
2 Surety Company of America, that next month's budget of proposed living
3 expenses to be paid, in the form attached to this injunction as Exhibit "A," which
4 form expressly requires identification of the source of the funds to be used for
5 expenditures, including the bank account and bank identification information for
6 cash on hand. Expenditures listed in the budget shall not be exceeded by ten
7 percent (10%) without order of this Court or service of an amended budget upon
8 Travelers. Individual Indemnitors are required to prepare and serve a new
9 budget for each month during the time this injunction remains in effect.

10 b) To the extent Individual Indemnitors have not already served the expenditure
11 budget for the month of October 2013 as required by this Court's July 11, 2013
12 Temporary Restraining Order, the Individual Indemnitors are required to serve
13 upon Travelers an October 2013 budget for the balance of the month within five
14 calendar days of the entry of this injunction.

15 c) If Travelers objects to any portion of the budget or the identification of source of
16 the funds, it shall file an objection with this Court no later than six calendar days
17 following service of the budget, which objection shall be set for hearing before
18 this Court. On the tenth day of the month following any budget submitted
19 pursuant to the terms of this injunction, Individual Indemnitors shall file an
20 accounting which details the actual expenditure of funds, identifying dates,
21 amounts and payees for all expenditures of funds for the preceding month, and
22 identifying any variance from the previously submitted budget.

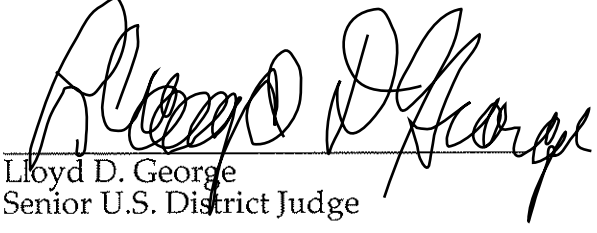
23 Any Enjoined Party may file an application to the Court for advance approval for
24 third-party use of assets during the period in which this preliminary injunction remains in
25 place.

26 The Court affirms all requirements of the Temporary Restraining Order entered on
27 July 11, 2013 (Document 244) continued in effect by Order of July 17, 2013 (Document 251)
28 and expanded as to additional parties on September 6, 2013 at Document 281. The Court

1 finds that this injunction is appropriate for the reasons spelled out in detail in this Court's
2 October 4, 2013 Order (Document 296).

3 The Court orders that Travelers shall post a bond for preliminary injunction, which
4 bond shall be conditioned for the payment of damages, if any, suffered by any Enjoined
5 Party who is found to have been wrongfully enjoined.

6 Dated this 21 day of Qevqdg, 2013.

7
8
9
10 
Lloyd D. George
Senior U.S. District Judge

11
12
13
14 3392-49
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Household Expenditure Budget**Month of** _____

Sources of Funds	
Salary or Cash from Business	
Wages from Other Sources (attach list to this report)	
Interest or Dividend Income	
Alimony or Child Support	
Social Security/Pension/Retirement	
Sale of Household Assets (attach list to this report)	
Loans/Borrowing from Outside Sources (attach list to this report)	
Other (specify) (attach list to this report)	

DISBURSEMENTS	
Alimony or Child Support Payments	
Charitable Contributions	
Gifts	
Household Expenses/Food/Clothing	
Household Repairs & Maintenance	
Insurance	
IRA Contribution	
Lease/Rent Payments	
Medical/Dental Payments	
Mortgage Payment(s)	
Other Secured Payments	
Taxes - Personal Property	
Taxes - Real Estate	
Taxes Other (attach schedule)	
Travel & Entertainment	
Tuition/Education	
Utilities (Electric, Gas, Water, Cable, Sanitation)	
Vehicle Expenses	
Vehicle Secured Payment(s)	
Professional Fees (Legal, Accounting)	
Other (attach schedule)	